

Kaplan 2000-0066

#### R E M A R K S

Claims 1-36 were rejected under 35 USC 102 as being anticipated by Swan, US Patent 6,134,320.

The Swan et al arrangement comprises a personal communication controller (PCC) that includes a memory that contains lists of directory numbers of callers. That is, each individual within the household may have a respective directory list that contains numbers of parties from whom the individual expects to receive calls. When a call comes in, if the incoming call provides a caller ID (CLID) then the lists are perused for that caller ID, and a type of alert is provided based on the particular individual whose list contains the received CLID. If the CLID signal is not provided, or if there is no match, a connection is established between the caller and the PCC, but no alert is outputted to the telephones. The PCC then interacts with the caller (effectively in a interactive voice response mode) to allow the caller to specify the individual that ought to be alerted and, thereafter, the appropriate alert is generated and sent to the telephones. To put it succinctly, the Swan et al arrangement automatically directs calls based on caller ID or, in some cases, pursuant to a "conversation" with the caller.

In connection with the rejection of claim 2, the Examiner points to col. 5, lines 18-22, and asserts that

'incoming calls reads on the claim 'special service messages' and 'particular person' reads on the claims 'called number information.'

Applicants respectfully disagree with this assertion. The "particular person" (including "particular recipient" or "intended recipient") information that Swan et al refer to apparently relates to information obtained from the caller as a result of the forementioned "conversation." This information is, therefore, obtained from outside the apparatus only in some circumstances, and at such time the information is obtained from the caller.

There is no teaching to suggest that a "particular person" information is a called number. Further, in the telecommunications art the term "called number" is reserved for the number that is provided by the caller when the caller goes off-hook and gets a dial tone. Any and all subsequent information that is provided by the caller is not the "called number," (save, of course, if the network, or the operator, explicitly asks 'what number are you calling?' and the caller repeats the number that the caller previously provided).

Kaplan 2000-0066

With that in mind, it is respectfully submitted that there is no teaching anywhere in Swan et al to suggest that a "particular person" information is a called number. Rather, the 'particular person' information is information that *follows* the called number, and is not the called number (since that is the number by which the PCC was reached). This information originates with the caller, and originates with the caller *after* the caller provided the called number to the telecommunication network.

It is respectfully submitted that the subject claims patentably distinguish over Swan et al, as demonstrated below.

Amended claim 1 specifies:

a control module, responsive to one or more special messages originating at a central office and received via said first port, for affecting said switch based on information contained in said one or more special service messages, where said special messages belong to a finite set that includes called party ID message, and excluded caller ID message.

The first limitation of note in this clause is that the special message that the control module receives is one the originates at a central office. The messages received by the Swan et al PCC in the course of the interaction with a caller originates with the caller, and not at the central office. The second limitation of note in this clauses it that the special messages which originate at the central office belong to a set that includes calling party ID, and excludes caller ID. In Swan et al, no such set of special messages is described. The third limitation of note in this clause is that the set of special messages is finite. Since there is no teaching in Swan et al regarding the specifics of the interaction between the 'automatic attendant' and the caller, there is no teaching of any finite set of 'special messages.' Therefore, it is respectfully submitted that amended claim 1 is not anticipated nor rendered obvious by Swan et al.

Claims 2-12, and 15-26 depend on claim 1 and are, therefore, also not described or suggested in Swan et al.

Independent claim 13 defines an

Apparatus for performing electronic selection actions in response to receipt of called number signal arriving at a first port from a telecommunication network prior to establishment of a connection between said apparatus and said telecommunication network

Kaplan 2000-0066

As indicated above, the "particular person" information that the Swan et al PCC can obtain is NOT a "called number signal", and it does not arrive "prior to establishment of a connection between said apparatus and said telecommunication network." Therefore, Swan et al do not describe an apparatus like the one defined in claim 13. Claim 14 depends on claim 13.

Not unlike amended claim 1, independent amended claim 27 specifies

a first module coupled to said first port for decoding said special service messages, which messages belong to a set that includes called party ID and excludes caller ID (Emphasis supplied)

and not unlike claim 13, claim 27 defines the apparatus as

Apparatus for performing electronic selection actions in response to receipt of one or more special service messages, said special service messages arriving at a first port prior to establishment of a connection between said apparatus and a telecommunication network.

Hence, for the reasons set forth above applicants believe that claim 27 defines subject matter that is not described or suggested by Swan et al. Claims 28-30 depend on claim 27.

Independent claim 31 also defines

Apparatus for performing electronic selection actions in response to receipt of called number ID at arriving at a first port prior to establishment of a connection between said apparatus and a telecommunication network

and for the reasons expressed above, applicants believe that claim 31 is not described or suggested by Swan et al.

Moreover, claim 31 specifies that the "special message" that contains the called number is "embedded in said alerting signal." Nothing in Swan et al suggests that the interaction between the caller and the PCC results in an alert message with (or without) any embedded special message.

Independent claim 32 is a method claim that specifies steps that deal with a called ID in the alerting signal. The Swan et al apparatus does not deal with any called number ID signals, and certainly not with called number ID signals in the alerting signal. Therefore, claim 32 is not described or suggested by Swan et al. Claims 33-36 depend on claim 32.

Kaplan 2000-0066

In light of the above amendments and remarks, applicants respectfully submit that all of the Examiner's rejections have been overcome. Reconsideration and allowance of the outstanding claims are respectfully solicited.

Respectfully,  
Alan Edward Kaplan  
Thomas Joseph Killian

Dated: 10/3/03

By Henry Brendzel  
Henry T. Brendzel  
Reg. No. 26,844  
Phone (973) 467-2025  
Fax (973) 467-6589  
email brendzel@comcast.net

RECEIVED  
CENTRAL FAX CENTER  
OCT 03 2003

OFFICIAL